

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**AMENDED SECOND AMENDED  
MASTER SHORT FORM COMPLAINT  
FOR DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Michelle Boudreau

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Not applicable Jimmy Kerlin

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Georgia Massachusetts

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Massachusetts

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Massachusetts

7. District Court and Division in which venue would be proper absent direct filing:

District Court for the District of Massachusetts

8. Defendants (check Defendants against whom Complaint is made):

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

**X G2® Vena Cava Filter**

**X** ~~G2® Express (G2®X) Vena Cava Filter~~

- G2® X Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter
- Other: \_\_\_\_\_

11. Date of Implantation as to each product:

\_\_\_\_\_09/08/2008\_\_\_\_\_

12. Counts in the Master Complaint brought by Plaintiff(s):

- X** Count I: Strict Products Liability – Manufacturing Defect
- X** Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X** Count III: Strict Products Liability – Design Defect
- X** Count IV: Negligence - Design
- X** Count V: Negligence - Manufacture
- X** Count VI: Negligence – Failure to Recall/Retrofit
- X** Count VII: Negligence – Failure to Warn
- X** Count VIII: Negligent Misrepresentation
- X** Count IX: Negligence *Per Se*
- X** Count X: Breach of Express Warranty
- X** Count XI: Breach of Implied Warranty

Count XII: Fraudulent Misrepresentation

Count XIII: Fraudulent Concealment

Count XIV: Violations of Applicable Massachusetts Law  
Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices

Count XV: Loss of Consortium

**Count XV: Loss of Consortium**

Count XVI: Wrongful Death

Count XVII: Survival

Punitive Damages

Other(s): \_\_\_\_\_ (please state the facts  
supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

Yes

No

RESPECTFULLY SUBMITTED this 15th day of February, 2017.

BABBITT & JOHNSON, P.A.

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